

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAURICE NICHOLAS GATEWOOD,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C21-1719-JCC

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. No. 7) and the objections thereto (Dkt. No. 8). In the R&R, Judge Creatura recommends Petitioner’s habeas petition (Dkt. No. 1) be dismissed without prejudice. (Dkt. No. 7 at 1.)

Petitioner is detained at the King County Jail. (Dkt. 1 at 16.) In his objections, he realleges the same constitutional violations related to search and seizure at the time of his arrest on state charges. (*Compare* Dkt. No. 1, *with* Dkt. No. 8.) The objections do not address Judge Christel’s primary conclusion: Because the pending state prosecution implicates important state interests, the *Younger*¹ abstention doctrine applies, requiring a dismissal of the petition without prejudice. (Dkt. No. 7 at 2–3 (citing *Kelly v. Robinson*, 479 U.S. 36, 49 (1986) (citation

¹ *Younger v. Harris*, 401 U.S. 37 (1971).

omitted).) The Court agrees with this conclusion.

Accordingly, the Court ORDERS:

1. Plaintiff's objections (Dkt. No. 8) are OVERRULED.
2. The R&R (Dkt. No. 7) is ADOPTED.
3. Petitioner's federal habeas petition (Dkt. No. 7) is DENIED and this action is DISMISSED without prejudice.
4. A certificate of appealability is DENIED.
5. All pending motions are DENIED as moot.
6. The Clerk is DIRECTED to close this case and send copies of this order to Petitioner and to the Honorable David W. Christel.

DATED this 4th day of March 2022.

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE